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Special measures for protection from sexual exploitation and sexual abuse*

Report of the Secretary-General

Summary

The present report is submitted in compliance with General Assembly resolution 57/306 of 15 April 2003, in which the Assembly requested the Secretary-General to maintain data on investigations into sexual exploitation and related offences. The report presents data on allegations of sexual exploitation and abuse in the United Nations system in the period from January to December 2005. It also describes progress made in the creation and implementation of measures designed to prevent sexual exploitation and abuse, and measures for processing allegations.

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I. Reports of sexual exploitation and abuse in 2005

1. The General Assembly, in its resolution 57/306 of 15 April 2003, requested the Secretary-General to, inter alia, maintain data on investigations into sexual exploitation and related offences by humanitarian and peacekeeping personnel, and all relevant actions taken thereon. Pursuant to that resolution, the Secretary-General on 9 October 2003 issued his bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13). It was addressed to all staff of the United Nations, including staff of separately administered organs and programmes. As defined in the bulletin, "sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. The term "sexual abuse" means actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

2. In response to the request in resolution 57/306, and in accordance with the Secretary-General's bulletin, the present report provides information on the number and type of allegations of sexual exploitation and abuse in 2005. It also sets out the status of investigations into those allegations as at 31 December 2005, and describes the actions that have been taken to enforce United Nations standards of conduct related to sexual exploitation and abuse.

3. In response to the Secretariat's query regarding allegations of sexual exploitation or sexual abuse in 2005, responses were received from all 41 United Nations entities from which information had been sought. These included United Nations Secretariat departments and offices, as well as United Nations agencies, funds and programmes.

4. Thirty-four entities received no reports of sexual exploitation or abuse in 2005. Seven entities reported that investigations into new cases were opened last year. The number of allegations reported by all entities totalled 373. Annex I presents a list of the nature of allegations, by United Nations entity and category of personnel.

5. Annex II presents the status of investigations as at 31 December 2005 in United Nations entities other than the Department of Peacekeeping Operations.

- The United Nations Volunteers Programme (UNV) had reported 21 cases. One case was received after the volunteer had already finished his assignment and in 20 cases, disciplinary action was taken in line with UNV Conditions of Service.
- The Office of the United Nations High Commissioner for Refugees (UNHCR) had reported 7 cases. Two cases were sent to the Division of Human Resources Management for disciplinary action; 2 cases were closed owing to insufficient evidence; 1 case was pending investigation by the Inspector General; 1 case was pending further action by the UNV headquarters, after a preliminary investigation determined that the allegations were substantiated; and 1 case was closed when the fixed term appointment of the staff member expired after the receipt of the allegations.
- The World Food Programme (WFP) had reported 2 cases which were sent to the WFP Human Resources Director for administrative or disciplinary action.

- The Department of Political Affairs had reported 1 case; a preliminary investigation determined that the allegations were not substantiated.
- The United Nations Office for Project Services (UNOPS) had reported 1 case; a preliminary investigation determined that the allegations were not substantiated.
- The United Nations Relief Works Agency for Palestine Refugees in the Near East (UNRWA) had reported 1 case; the case was closed after the staff member concerned agreed to leave the Agency.

6. Annex III presents the status of investigations of allegations concerning the Department of Peacekeeping Operations as at 31 December 2005. The Department had reported 340 new allegations in 2005: 217 against uniformed personnel and 123 against civilian personnel. The majority of these, or 193 allegations, were brought against military personnel, who constitute almost three quarters of all peacekeeping personnel in the field, and 24 allegations were related to civilian police. Eighty allegations involved United Nations staff and 42 allegations were related to other United Nations civilian personnel (which includes individual contractors, consultants, Junior Professional Officers and United Nations Volunteers).

7. Prior to September 2005, the investigation process for allegations against United Nations staff and other civilian personnel in the Department provided for them to be examined first by the head of mission, who decided whether a preliminary investigation was necessary. Based on the preliminary investigation, the allegation is either deemed to be unsubstantiated or sent to Headquarters for action. For staff of the Department of Peacekeeping Operations and other civilian personnel in 2005, 4 allegations had been deemed to require no further action and 68 were investigated. Of the 68 investigations, 33 cases had been sent to Headquarters for disciplinary action, 1 was pending investigation, 14 cases were substantiated and 4 allegations had been classified as unsubstantiated as at 31 December 2005. Sixteen cases involving civilian personnel were sent to Boards of Inquiry for investigation; of this number, 1 was substantiated, 14 were unsubstantiated and 1 remained pending. From September 2005 onwards, cases of sexual exploitation and abuse were referred to the Office of Internal Oversight Services (OIOS) from Department of Peacekeeping Operations field missions. Allegations were also reported directly to OIOS.

8. The same examination of allegations by the head of mission, followed by a preliminary investigation, is conducted for complaints against uniformed peacekeeping personnel, namely, members of national military contingents, military observers and civilian police (referred to as "experts on mission"). For personnel in these categories, the preliminary investigation is followed by a Board of Inquiry investigation. In cases in which individuals are found to have committed sexual exploitation or abuse, the head of mission can recommend repatriation to the Under-Secretary-General for Peacekeeping Operations. If he/she approves the recommendation, the Permanent Mission of the uniformed personnel concerned is notified and the expenses of the repatriation are paid by the relevant Member State. Among the 193 allegations against uniformed personnel, the head of mission decided that no further action was necessary for 50 allegations; 3 allegations were pending a preliminary investigation, 7 allegations were deemed unsubstantiated, 3 were substantiated and 15 were submitted to Headquarters for disciplinary action as at 31 December 2005. Seventy-six allegations were under investigation by OIOS.

Thirty-nine allegations against uniformed personnel were also sent to the Board of Inquiry; of these, 2 were pending investigation, 18 were found unsubstantiated, and allegations were substantiated in 19 cases as at 31 December 2005. In substantiated cases, the military personnel were repatriated on disciplinary grounds. The Department of Peacekeeping Operations is following up with Member States to obtain information on disciplinary and/or criminal action taken.

II. Observations

9. The total number of 373 allegations of sexual exploitation and abuse registered in 2005 was considerably higher than the 121 allegations reported in 2004. The increase in allegations may reflect, in part, greater awareness and use of reporting mechanisms. It will remain important for the Organization to continue to improve reporting mechanisms and to analyse the data received in order to fully understand the scope and nature of the problem of sexual exploitation and abuse.

10. Thirty-three allegations were reported from all United Nations entities other than the Department of Peacekeeping Operations. Of these allegations, 14 related to the distribution of pornography through e-mail while 7 involved sex with minors. None of the allegations against United Nations staff or United Nations Volunteers from these United Nations entities related to sexual assault or rape.

11. The majority of all allegations, or 340 of the total 373 allegations, are from the Department of Peacekeeping Operations.

- Of the 123 allegations against United Nations staff and other United Nations civilian personnel, 53 allegations were categorized "other", which included 15 allegations of distribution of pornography over e-mail, 8 allegations of inappropriate relationships with the local population and 3 paternity claims. Six of the allegations related to sexual assault and rape.
- Of the 217 allegations against uniformed personnel, 82 allegations were categorized "other", which included 19 allegations of inappropriate relationships with the local population, 12 paternity claims, 3 allegations of distribution of pornography and 2 allegations of food in exchange for sex. Sixty-eight allegations involved sex with prostitutes and 43 allegations related to sex with minors. Twenty-four allegations involved sexual assault and rape.

III. Implementation of special measures for protection from sexual exploitation and sexual abuse

12. During 2005, continued progress was made in implementing baseline measures to discourage the occurrence of sexual exploitation and abuse and to facilitate responding to and reporting on such incidents when they occur. According to the Secretary-General's bulletin on sexual exploitation and abuse (ST/SGB/2003/13), all entities are to uphold certain specific minimum standards, including:

(a) The designation of a focal point for receiving complaints of sexual exploitation and abuse in each United Nations entity, and informing staff of the existence and purpose of the focal point. Entities with field operations and missions

are also required to inform the local population of the existence and purpose of the focal point;

(b) Distribution of Secretary-General's bulletin ST/SGB/2003/13;

(c) Taking prompt action in accordance with established rules and procedures to deal with cases of staff misconduct;

(d) Promptly informing the Department of Management at Headquarters of investigations into cases of sexual exploitation and abuse, and the actions an office has taken as a result.

13. Since 2004, all entities have taken steps to comply with the standards set out in the Secretary-General's bulletin. The Office of Human Resources Management continues to monitor compliance with the bulletin.

14. On 7 January 2005, in response to ongoing allegations of sexual exploitation and abuse by United Nations staff and related personnel, the Executive Committees on Peace and Security and on Humanitarian Affairs established a joint Task Force on Protection from Sexual Exploitation and Abuse, chaired by the Department of Peacekeeping Operations and the United Nations Office for the Coordination of Humanitarian Affairs, to build on the work already achieved by the Inter-Agency Standing Committee to prevent and respond to sexual exploitation and abuse. The Executive Committees stressed the need for the United Nations to act to the highest standards of accountability and for concerted system-wide action to respond to allegations of sexual exploitation and abuse by United Nations staff and related personnel, which they viewed as a serious threat to the integrity of the United Nations.

15. The Task Force was mandated, within the overall aim of preventing sexual exploitation and abuse, to develop policy recommendations to establish a common level of understanding regarding managerial responsibilities and to create a stronger support environment for dealing with sexual exploitation and abuse, both at Headquarters and in the field. Four working groups were created to address (i) managerial accountability; (ii) organizational aspects of change; (iii) assistance to victims; and (iv) a common communication strategy.

16. The Task Force developed mechanisms for accountability and for creating a culture of responsibility, including providing clear guidance and support to managers for dealing with the problem of sexual exploitation and abuse in the particular environments in which the United Nations operates. The Task Force also prepared draft guidance on the application of the Secretary-General's bulletin. Through a year-long process of broad-based consultations with United Nations departments, agencies, funds and programmes, Member States, non-governmental organizations and other interested actors, the Task Force developed a draft policy statement and comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by United Nations staff and related personnel, for the consideration of Member States in response to General Assembly requests.[1] The Task Force has coordinated its work with the Department of Peacekeeping

[1] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1, part two, para. 34); General Assembly resolution 59/300 of 30 June 2005, para. 2; and General Assembly resolution 60/1 of 15 September 2005, para. 165.

Operations Task Force on Sexual Exploitation and Abuse, which is dealing with similar issues.

17. New initiatives were also undertaken to train and raise staff awareness. A training programme for focal points for protection from sexual exploitation and abuse was developed and piloted in Ethiopia and Eritrea and will be finalized for distribution in 2006. A training video for use by all United Nations departments, agencies, funds and programmes and partners is also under development and contributions were made to the ongoing comprehensive training programme on investigation protocols initiated by the International Council of Voluntary Agencies.

18. In March 2005, the report of the Adviser to the Secretary-General on a comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations ("Zeid report") (A/59/710) was presented to the General Assembly. The actions which have been taken by the Department of Peacekeeping Operations in response to the recommendations of the Zeid report are outlined in the report of the Secretary-General prepared pursuant to General Assembly resolution 59/296 on preventing and addressing sexual exploitation and abuse in all United Nations activities (A/60/862).

19. Although much was achieved in 2005, further strengthening of the measures to prevent sexual exploitation and abuse are needed. While staff have become increasingly aware of their responsibilities under the Secretary-General's bulletin, few local communities are aware of the standards of conduct which United Nations staff and related personnel must uphold and how to come forward when violations occur. In particular, the in-country networks which were to underpin coordinated prevention efforts in the field, have not been established in several places or are not functioning properly.

20. There are very few services available for victims. This has had an impact on outreach to the community and restoring confidence in the Organization's readiness to address the problem of sexual exploitation and abuse. The networks are to be established under the auspices of the Resident Coordinator/Humanitarian Coordinator in each country where the United Nations has a presence. Stronger engagement of United Nations leadership in the field mechanisms will help improve their effectiveness. A failure to prevent sexual exploitation and abuse increases the risk of it occurring and creates additional barriers to reporting, as people lose faith that their complaints will be taken seriously and handled confidentially and that the alleged perpetrators will be investigated and disciplined.

IV. Conclusions

21. The Secretariat anticipates that increased public awareness about the availability of measures to prevent sexual exploitation and sexual abuse may lead to increased number of allegations. Through strengthening community outreach and reporting mechanisms, it also hopes to gain a better understanding of the extent of the problem and improve its own vigilance and response. The Secretariat remains committed to changing the organizational culture that permits such acts and urges Member States to provide their full support to both assisting the Organization in its efforts and adopting the necessary policies to ensure that the zero-tolerance policy is equally applied to all troop contingents.

22. The General Assembly is requested to take note of the present report.

Annex I

Nature of allegations, by United Nations entity and category of personnel

1 January-31 December 2005

Nature of allegation	*United Nations staff*[a]	*Other United Nations civilian personnel*[b]	*Civilian police personnel*[c]	*Military personnel*[d]	*Total*
Department of Peacekeeping Operations					
Sex with minors	11	6	4	39	**60**
Employment for sex	15	6	0	0	**21**
Sex with prostitutes	15	10	8	60	**93**
Sexual assault	1	0	0	8	**9**
Rape	5	1	1	15	**22**
Other	34	19	11	71	**135**
Total	**81**	**42**	**24**	**193**	**340**
UNV					
Sex with minors	0	4	—	—	**4**
Employment for sex	0	0	—	—	**0**
Sex with prostitutes	0	3	—	—	**3**
Sexual assault	0	0	—	—	**0**
Rape	0	0	—	—	**0**
Other (distribution of pornography via e-mail)	0	14	—	—	**14**
Total	**0**	**21**	**0**	**0**	**21**
UNHCR					
Sex with minors	1	1	—	—	**2**
Employment for sex	0	0	—	—	**0**
Sex with prostitutes	0	0	—	—	**0**
Sexual assault	0	0	—	—	**0**
Rape	0	0	—	—	**0**
Other (sexual exploitation of beneficiaries)	4	1	—	—	**5**
Total	**5**	**2**	**0**	**0**	**7**

Nature of allegation	United Nations staff of			
	Department of Political Affairs	UNOPS	UNRWA	WFP
Sex with minors	0	0	0	1
Employment for sex	0	0	0	0
Sex with prostitutes	1	0	0	1
Sexual assault	0	0	0	0
Rape	0	0	0	0
Other (improper relationship with local personnel)	0	1	0	0
Other (suggestion to grant services in return for sex)	0	0	1	0
Total	**1**	**1**	**1**	**2**

Nature of allegation	United Nations staff[a]	Other United Nations civilian personnel[b]	Civilian police personnel[c]	Military personnel[d]	Totals
Totals					
Sex with minors	13	11	4	39	**67**
Employment for sex	15	6	0	0	**21**
Sex with prostitutes	17	13	8	60	**98**
Sexual assault	1	0	0	8	**9**
Rape	5	1	1	15	**22**
Other	40	34	11	71	**156**
Total	**91**	**65**	**24**	**193**	**373**

[a] Including all international and locally recruited staff under the 100, 200 or 300 series of Staff Rules.

[b] Including individual contractors, consultants, Junior Professional Officers and United Nations Volunteers.

[c] Including formed police units in the Department of Peacekeeping Operations.

[d] Including members of military contingents, United Nations military staff officers, military observers and military liaison officers.

Annex II

Status of investigations reported in 2005 (all United Nations entities except the Department of Peacekeeping Operations)

		Status of investigation as at 31 December 2005		
Entity	*Total allegations received*	*Unsubstantiated or closed*	*Pending*	*Further investigation and possible disciplinary action*
UNV	21	1	0	20
UNHCR	7	3	1	3
WFP	2	0	0	2
Department of Political Affairs	1	1	0	0
UNOPS	1	1	0	0
UNRWA	1	1	0	0

Annex III

Department of Peacekeeping Operations: status of investigations

(1 January-31 December 2005)

				Status of investigations as at 31 December 2005							
				Preliminary Investigation				*Board of Inquiry*			
Category of personnel	*Total number of peacekeeping personnel*[a]	*Total allegations received*[b] *(1)*	*No further actions deemed necessary by Head of Mission (2)*	*Pending (3)*	*Sent to Headquarters for disciplinary action (4)*	*Unsubstantiated (5)*	*Substantiated (6)*	*Pending (7)*	*Substantiated (8)*	*Unsubstantiated (9)*	*Under investigation by OIOS*[d] *(10)*
Civilians	**17 133**	**123**	4	1	33	4	14[c]	1	1	14	51
Civilian police	**7 241**	**24**	0	3	0	6	0	2	4	0	9
Military	**62 597**	**193**	50	3	15	7	3	2	19	18	76
Total peacekeeping personnel	**86 971**	**340**	**54**	**7**	**48**	**17**	**27**	**5**	**24**	**32**	**136**

[a] Total numbers as at December 2005.

[b] Sum of columns (2) through (10) may exceed the total in column 1 because some cases may have been subject to more than one action.

[c] These cases were subject to administrative actions, including written reprimands and the garnishing of staff salaries.

[d] OIOS reported that they received 134 cases for investigations in 2005. Owing to separate databases, there are discrepancies in the numbers reported by OIOS and the Department of Peacekeeping Operations for each category.